

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1671 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-22-10 IS ADDED TO THE INDIANA CODE AS
- 4 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
- 5 PASSAGE]:
- 6 Chapter 10. Conformity with Federal Standards in
- 7 Rulemaking.
- 8 Sec. 1. The definitions in IC 4-22-2 apply throughout this
- 9 chapter.
- 10 Sec. 2. As used in this chapter, "NAICS" refers to the six (6)
- 11 digit North American Industry Classification System (NAICS)
- 12 adopted by the United States Office of Management and Budget to
- 13 classify establishments by type of business activity.
- 14 Sec. 3. As used in this chapter, "industry" refers to a grouping
- 15 of business establishments:
- 16 (1) identified by NAICS code number; and
- 17 (2) sharing two (2) (sector), three (3) (subsector), four (4)
- 18 (industry group), five (5) (industry), or six (6) (U.S. industry)
- 19 of the six (6) NAIC digits assigned to a business
- 20 establishment.
- 21 Sec. 4. As used in this chapter, "economic decline" means a
- 22 business condition in which either of the following occurs in an
- 23 industry in the same year:
- 24 (1) An overall decrease in employment of at least ten percent
- 25 (10%).

1 (2) An average production decline of at least ten percent
2 (10%).

3 **Sec. 5.** As used in this chapter, "Indiana endangered industry"
4 means an industry that meets all the following criteria:

5 (1) The industry has had a substantial presence in Indiana
6 for at least twenty (20) years.

7 (2) The industry has had an economic decline in at least two
8 (2) of the immediately preceding calendar years caused by
9 any combination of the following:

10 (A) Foreign competition.

11 (B) Regulatory mandates.

12 (C) Health care insurance rates or other inflated
13 business costs.

14 (D) Decline in consumer demand.

15 (3) The industry has been recognized as qualifying under
16 subdivisions (1) through (2) in a:

17 (A) written declaration by the lieutenant governor; or

18 (B) concurrent resolution adopted by both houses of the
19 general assembly.

20 **Sec. 6.** As used in this chapter, "national policies" refers to
21 standards of conduct for an industry or part of an industry that:

22 (1) are established in a federal statute or by a federal agency;

23 (2) concern the same subject as a state rule; and

24 (3) do not preempt state authority to establish a more
25 stringent standard of conduct.

26 **Sec. 7.** The authority of an agency to adopt a rule, including an
27 agency subject to IC 13-14-9, that establishes a more stringent
28 standard than the related national policies is suspended to the
29 extent that it requires an Indiana endangered industry to comply
30 with a standard of conduct that exceeds the standard established
31 in the related national policies. The period of the suspension is
32 equal to the lesser of the following:

33 (1) Five (5) years after the industry is recognized as an
34 Indiana endangered industry by means of a procedure
35 described under section 5(3) of this chapter.

36 (2) The period specified in the document recognizing the
37 industry as an Indiana endangered industry under section
38 5(3) of this chapter.

39 **Sec. 8.** Not later than August 1 of each year, an agency shall
40 complete a review of its rules to identify:

41 (1) rules that concern the same subject as national policies;

42 (2) the standard of conduct established by the related
43 national policies;

44 (3) the extent to which the affected rules establish a more
45 stringent standard of conduct than the related national
46 policies; and

47 (4) the extent to which the affected rules require changes to
48 implement this chapter.

49 **Sec. 9.** Not later than September 1 of each year, an agency
50 shall submit a report to the executive director of the legislative
51 services agency describing its findings under section 8 of this
52 chapter.

1 **Sec. 10. If the agency determines that any of its rules:**

2 **(1) establish a standard of conduct that is more stringent**
3 **than the related national policies; and**

4 **(2) require changes to implement this chapter;**

5 **the agency shall adopt rules to make the changes necessary to**
6 **implement this chapter.**

7 **SECTION 2. An emergency is declared for this act."**

8 Renumber all SECTIONS consecutively.

(Reference is to HB 1671 as printed February 28, 2003.)

Representative WOLKINS